

ZB# 06-50

James Duffy

68-2-13.22

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 9-25-06

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 68-2-13.22

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JAMES DUFFY

USE

CASE # (06-50)

WHEREAS, Daniel Bloom, Esq. represented the , owner(s) of 22 Old Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Use Variance to permit a single family dwelling in a C Zone at 22 Old Riley Road (68-2-13.22)

WHEREAS, a public hearing was held on September 25, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Daniel Bloom, Esq. appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is located in a C zone, however, this area was previously zoned for residential use and is occupied by residential, one-family structures.
 - (b) The property is uniquely situated being adjacent to the New York State Thruway, the Erie Railroad and the Veteran's Cemetery.
 - (c) The property is not suitable for any commercial type operation. The only feasible use for the property is for a one-family residence.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The applicant cannot realize a reasonable return.
2. The alleged hardship relating to the property in question is unique.
3. The requested Use Variance, if granted, will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.
5. The strict imposition of the New Windsor Zoning Code will cause an unnecessary hardship to this property.
6. The Board declares a Negative Declaration under SEQRA, having done an Uncoordinated Review.
7. The proposed action will neither result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise level nor a substantial increase in solid waste production.
8. Proposed action will not result in a substantial increase in potential for flooding, erosion, leeching or drainage problems.
9. The proposed action does not affect a major change in the use of either quantity or type of energy.
10. The proposed action will not create a hazard to human health.
11. The proposed action does not conflict with the Town's current plans or goals as officially approved and adopted. The proposed action is consistent with and harmonious to the Town's plans.
12. The action will not attract a large number of people to the property.
13. There are not future actions that will be taken as a result of this action which will result in the adverse change in the environment and character of the community.
14. There are no other significant environmental impacts associated with the proposed action.
15. The application mitigates any potential for traffic conflicts.
16. The proposed action will not cause a major change in the use or quantity or type of energy.

17. The action will not attract a large number of people to the property.

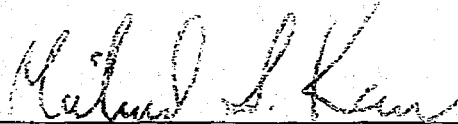
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Use Variance to permit a single family dwelling in a C Zone at 22 Old Riley Road (68-2-13.22) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 25, 2006

A handwritten signature in dark ink, appearing to read "Richard L. Keen", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 19, 2006

APPLICANT: James & Phyllis Duffy
Box 214
Vails Gate, New York 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/10/06

FOR : James & Phyllis Duffy

LOCATED AT: 22 Old Riley Road

ZONE: C **Sec/Blk/ Lot:** 68-2-13.22

DESCRIPTION OF EXISTING SITE: VACANT LOT, 3.22 ACRES IN C ZONE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-8 USE BULK TABLE, C-ZONE. A USE VARIANCE IS REQUIRED TO PERMIT A SINGLE FAMILY DWELLING IN THE C-ZONE AND ANY ADDITIONAL VARIANCES WHICH MAY BE REQUIRED IF THE USE VARIANCE IS GRANTED.

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unchecked inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

JAN 04 2006

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2006-15

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises James H. Duffy & Phyllis Duffy

X Address Box 22 Rt 1481d Relay Rd Phone # 561 5883

X Mailing Address P.O. Box 214 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of 22 Old Pike Rd per John Mc
(N, S, E or W) 11/10/06
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

X 3. Tax Map Description: Section 68 Block 2 Lot 13.22

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

To re-establish
a non-conforming
use

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
(to construct a one family house)

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

ZONING BOARD

CL # 9502

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
535 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4888 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Shyllis Duff
(Signature of Applicant)

(Address of Applicant)

X James H. Duff
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

W

E

8

CHICAGO 60605

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
APPLICANT'S
MAY BE GALT FOR ALL REQUIRED INFORMATION OF DOCUMENT

ELDRED P. CARHART
STATE CERTIFIED GENERAL APPRAISER

NEW YORK and CONNECTICUT

COMMERCIAL AND RESIDENTIAL APPRAISAL SERVICES

66 Balmville Road, Newburgh, New York 12550

TEL (845) 561 - 0570

FAX (845) 565 - 7004

e-mail: ecarhart@hvc.ny.com

**PROPOSED TESTIMONY BEFORE
THE NEW WINDSOR ZBA**

Property: Old Riley Road, New Windsor, NY

Present zoning: "C - Design Shopping"

Property Owner: James H. and Phyllis Duffy

Tax Map Identification: Section 68, Block 2, Lot 13.2

Present use of Subject: The property is currently an unimproved lot of approximately 3.23-acres (the former residential building was demolished).

Objective: To be granted a "use" variance so that a new residence can be constructed on the property.

The granting of the variance *will not alter the essential character of the neighborhood* - the neighborhood is currently residential in use.

The present use of the property is 3.23-acres of vacant land. The request is for the construction of a new residence on the property.

Old Riley Road is about $\frac{1}{4}$ -mile in length. It was cut off from Riley Road in the '50s by the construction of the New York Thruway (I-87).

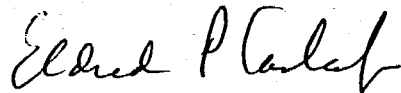
The neighborhood is used entirely for single-family homes. There is no commercial development in the neighborhood. It is completely boxed in by the Thruway to the west, Route 94 to the south, Conrail railroad to the east, and lands of Orange County Veterans Cemetery to the north.

To deny the variance *will deny a reasonable return* on the investment in the property. The property is zoned for commercial use. However, due to the isolated location of the property, it has no demand or value as a commercial site, and no one would expend funds to try to develop the property for commercial usage. It is *ideally* suited for residential use, which is not presently permitted in the zone. To deny the variance would preclude any return on the applicant's investment.

The hardship is not self-created - These properties have existed as a residential neighborhood for many years.

The granting of the variance will not negatively affect the value of the surrounding properties - a new residence constructed on the subject could only increase the value of the neighboring properties.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eldred P. Carhart".

ELDRED P. CARHART
NY State Certified General Appraiser
No. 46-000009964

Appraisal Qualifications

ELDRED P. CARHART

State Certified General Appraiser

Licenses:

New York State Certified General Real Estate Appraiser, No 46-000009964
Connecticut State Certified General Real Estate Appraiser, No. 0000720
Pennsylvania State Certified General Real Estate Appraiser, No. GA-001543-R
New York State Licensed Real Estate Broker, No. 35-518942
New York State Teaching Certificate

Employment History:

Eldred P. Carhart	-	Individual fee appraiser
First Union Bank	-	Assistant vice-president and staff commercial appraiser
First Fidelity Bank	-	Assistant vice-president and staff commercial appraiser
Mid-Hudson Savings Bank	-	Appraisal department manager and senior appraiser
Carhart Appraisal Company	-	Founder, co-owner and chief appraiser

Appraisal Education:

"Principles of Income Property Appraising" (Appraisal Institute, course 201, 60-hours)
"Applied Income Property Valuation" (Appraisal Institute, course 202, 39-hours)
"Highest and Best Use and Market Analysis" (Appraisal Institute, course 520, 36-hours)
"Standards of Professional Practice, Parts A & B" (Appraisal Institute, courses 410 & 420, 25-hours)
"Advanced Sales Comparison and Cost Approaches" (Appraisal Institute, course 530, 39-hours)
"Report Writing and Valuation Analysis" (Appraisal Institute, course 540, 39-hours)
"The Consideration of Environmental Hazards in Real Estate Valuation" (Chapter 123, Appraisal Institute, 2-hour seminar)
"Introduction to Appraising Real Property" (Society of Real Estate Appraisers, course 101, 60-hours)
"Applied Residential Property Valuation" (Society of Real Estate Appraiser, course 102, 39-hours)
"Appraising 2-4 Family Residential Properties" (McKissock Data Systems, 6-hours)
"Narrative Report Writing" (Society of Real Estate Appraisers, 7-hours)
"Appraisal Standards of Practice and Ethics" (National Association of Real Estate Appraisers 15-hour course)
"FIRREA: Overview and Practical Application" (FIRREA Seminars, 7-hours)
"Income Approach" (International Association of Assessing Officers, course 30-hours)
"Introduction to Environmental Considerations for the Appraiser" (McKissock Systems, 8-hours)
"Hidden Factors - Environmental Risk Evaluation and the Real Estate Appraiser" (Chapter 123, Appraisal Institute, 2-hour seminar)
"Estimating Accrued Depreciation" (NYS Society of Real Estate Appraiser, 8-hours)
"Proper Use of the Marshall & Swift Cost Manual" (NYS Society of Real Estate Appraisers, 4-hours)
"Valuation by Subdivision Analysis" (Chapter 123, Appraisal Institute, 2-hour seminar)

- "The Residential Appraiser as an Expert Witness" (NYS Society of Real Estate Appraisers, 4-hours)
- "Introduction to Review Appraisal" (McKissock Data Systems, 7-hours)
- "EDI and Appraisal Office Automation" (McKissock Data Systems, 7-hours)
- "Appraising the Oddball: Nonconforming & Difficult Properties" (McKissock Data Systems, 7-Hours)
- "Real Estate Damages: Assessment & Testimony" (McKissock Data Systems, 7-hours)

Numerous other courses and seminars offered by: New York State Association of Realtors, International Association of Assessing Officers, Marshall and Swift Valuation Service, New York Assessors Association, Orange County Assessors Association, Federal Housing Administration, and, National Association of Real Estate Appraisers.

Business Experience:

Actively involved as a professional appraiser since 1965, managing appraisal staffs and conducting appraisals of residential, commercial, industrial properties, building lots, raw acreage, subdivisions and developments.

Appraisal assignments have included: tax certiorari proceedings; appropriation and/or severance damage; mortgage security, utility easements; urban renewal acquisition; assessment review; employee transfer; condemnation by public authority; estate, transfer, and/or gift tax; sale, purchase, and/or investment value; catastrophic damage claim; tax basis; economic and/or location feasibility; leasehold interest; equity yield; cash flow analysis; airport facilities; construction lending and rehabilitation; zoning constitutionality; and, assessment ratio analysis.

Appraisals have been conducted for: banks, financial institutions, insurance companies, government units and agencies, schools, labor unions, religious congregations, commercial and industrial clients, attorneys, and private individuals. Called as a real estate valuation expert and qualified as such to testify at proceedings in the New York State Supreme Court (Westchester, Rockland, Orange and Ulster Counties), and local courts and boards, and the New York State Court of Claims.

Professional Affiliations:

NY State Association of
Real Estate Appraisers

-

Director, 1991-93
Chairman, Professional Ethics Committee, 1991-92



Phone: (845) 497-2111
Fax: (845) 497-3616
www.grapevinerealtyny.com

25 South Street (Rt. 208)
Washingtonville, NY 10992

December 6, 2005

To Whom It May Concern:

During the time the property was listed with our office we had 11 customer calls. All were interested for purposes of building a home on the property. When they were told it was zoned commercial they had no interest in pursuing the property.

During the time the property was listed only 3 REALTORS® inquired on the property and requested the survey.

One REALTOR® presented an offer on August 23, 2005 for \$90,000 subject to approval for residential purposes. This offer was rejected by the seller.

The seller has lost valuable marketing time due to the current zoning. Zoned commercial being located on a dead-end street with three houses and backing up to railroad tracks makes this property undesirable to a commercial investor.

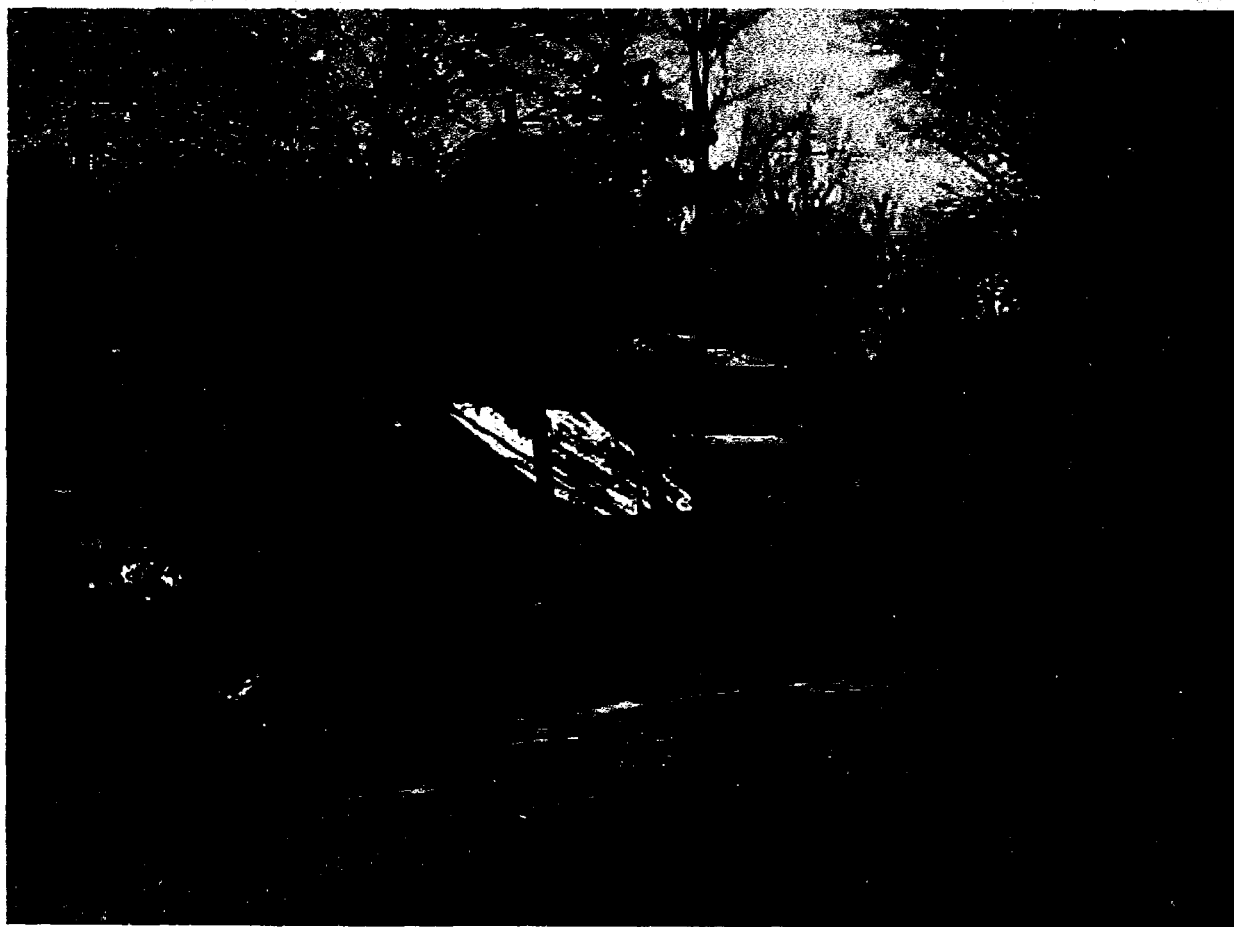
In my professional opinion, the highest and best use for this property is as a residential building lot.

Sincerely,

Christine Chersicla
Licensed Broker
License # 31CH0823837







3/6/2006



3/6/2006









3/6/2006

State of New York)

) ss:

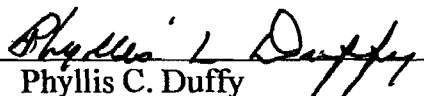
County of Orange)

James H. Duffy and Phyllis C. Duffy, being duly sworn depose and say:

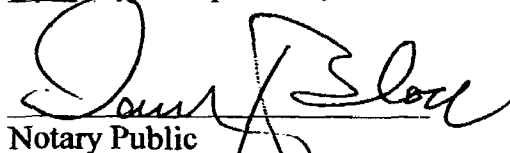
- 1.) We are the owners of certain real property with improvements situate thereon located on the easterly side of Old Riley Road in the Town of New Windsor, County of Orange, State of New York, more particularly described on the tax map of the Town of New Windsor as Section 68 Block 2 Lot 13.22.
- 2.) We purchased this parcel of land from our neighbor, The Estate of Myrtle E. Yereance, by deed dated April 15, 1987, and recorded in the Office of the Orange County Clerk on April 17, 1987 in Liber 2695 of Deeds at page 205.
- 3.) From the time we purchased the property and until the present time, it consisted of a vacant parcel of land consisting of approximately 3.2261 acres. However, there exists on the parcel an old frame garage and the remains of an old frame building which was destroyed by a fire shortly before we purchased the property.
- 4.) At the time we purchased the subject parcel, it was our intention to do so for the purpose of privacy and ultimately to utilize the proceeds from the sale of the same in our retirement.
- 5.) Since purchasing the property in 1987, it has remained vacant and we have paid the taxes on the same. At no time has the property been rented, nor has any income whatsoever been generated from it since its purchase.
- 6.) We have been retired for over 10 years and we are both over the age of 76.
- 7.) Our only source of income is social security and modest pension payments. Accordingly, we now wish to sell the property for the purpose of subsidizing our retirement. In that regard, we listed the property for sale with Grapevine Realty in the spring of 2005. However, they have been totally unsuccessful in securing any legitimate offers on the property, because it is zoned commercial and all of the surrounding properties are residential in nature. Development of the property is further restricted by the fact that the property is not located on a main road, it abuts railroad tracks and is situated between 2 residential single family houses on a dead end street.

- 8.) We attempted to have the property re-zoned in the summer of 2004, but were notified by the Town Attorney at that time that it would be illegal for the town to "spot zone". However, the Town Attorney suggested that we seek a variance from the Zoning Board of Appeals. (Attached hereto and incorporated herein by reference and designated Exhibit "A" is a copy of the letter we received from the Town of New Windsor in that regard dated August 11, 2004). Also attached hereto and incorporated herein by reference as Exhibit "B" are copies of the tax bills we paid on the premises for the years 2005-2006. A review of the same indicates that the combined state, county and town and school taxes for the current year exceed \$1,700.00.
- 9.) We have resided at our residence adjacent to the subject parcel for over 54 years and wish to continue to reside at the same the rest of our lives. However, we cannot afford to continue to pay taxes on the subject parcel without receiving any return whatsoever on our investment. Accordingly, we respectfully request that this Board grant our request for a Use Variance (and any associated Area Variances necessary) so that we may sell the property as a residential building lot.


James H. Duffy


Phyllis C. Duffy

Sworn to before me this
25th day of September, 2006


Notary Public

DANIEL J. BLOOM
NOTARY PUBLIC - State of NY
Residing in Orange County
Commission Expires Feb. 28, 2010



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4630
Fax: (845) 563-4692

Attorney for the Town

August 11, 2004

Mr. & Mrs. James H. Duffy
P.O. Box 214
Vails Gate, NY 12584

Re: Rezoning Request - Lot 68-2-13.22

Dear Mr. and Mrs. Duffy:

Town Supervisor George J. Meyers has referred your re-zoning request to me. I have met with the Building Inspector, Assessor, and Highway Superintendent.

Please note the correct tax parcel number above. It is not the same as you provided.

State law does not permit the Town to engage in "spot zoning." In order to avoid creating a spot zone out of your parcel, the Town would need to re-draw the existing "C-Design Shopping" zone line to attach your parcel to an existing residential zone instead. Unfortunately there are no residential zones on any side of your lot. Therefore a Town re-zoning of your lot is not feasible.

Your alternative is to request a building permit from the Building Inspector's office. When you are turned down, you or your attorney can then appeal to the Zoning Board of Appeals for a use variance. You will also need an area variance, since the lot does not have road frontage.

Very truly yours,

Philip A. Crotty
Attorney for the Town of New Windsor

cc. Supervisor George J. Meyers
Highway Superintendent Henry Kroll
Building Inspector Michael Babcock

ORANGE COUNTY

05/17/05

TAX # 334800.068.000-0002-013.200/0000
SWIS SECT BLK LOT SUFFIXID 33480006800000020132000000
AREA 620

PROP ADDR NYS RTE 94

PROP CLASS

TOWN OF NEW WINDSOR

RDFR&DEPTH

ACRE

EST ACRE

SCHOOL 331100/NEWBURGH

YRBT

STYLE DESC

SQ. FT

BEDROOMS

BATHS

BUILDING INFORMATION

CONSTRUCTION GRADE

#RES RECORDS

#COM RECORDS

OF KITCH

#CAR GARAGE

BSMT

OF FPLCS

GARAGE TYPE

HEAT

FUEL

OTHER FEATURE INFORMATION

DESCRIPTION YRBLT

DESCRIPTION YRBLT

1

3

2

4

LAND INFORMATION

UTILITIES

WATER

SEWER

RAW LAND

VALUE & TAX INFORMATION

LAND VALUE

ASMT\$

SPECIAL DISTRICTS

TAX YEAR

EST FM VALUE

EST ANNUAL TAXES

SALE & DEED TRANSFER INFORMATION

SP TTD BOOK PAGE DEED DATE

2695

204

SALES RECORDS 2

OWNER NAME & MAILING ADDRESS

OWNR DUFFY JAMES H

OWNR MAIL JAMES H DUFFY

OWNR TYPE 1

ADDRESS D

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

08/02/05

12:15 PM

TAX PAYMENT RECEIPT

CTL # 5-56

2005 COUNTY & TOWN TAX

TOWN OF NEW WINDSOR, COUNTY OF ORANGE NY

* FISCAL YEAR: 1/1/05 - 12/31/05

* WARRANT DATE: 12/29/04

Bill No: 2124

Sequence No: 2124

Page No: 1 of 1

MAKE CHECKS PAYABLE TO:

MARY ANN HOTALING
RECEIVER OF TAXES
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
(845) 563-4627

334800 68-2-13.22

Duffy James H
Phyllis Duffy
Box 214

Vails Gate, NY 12584

TO PAY IN PERSON:

NEW WINDSOR TOWN HALL
8:30-4:30 MON THROUGH FRI
TAX PAYABLE JAN FEB MARCH
1 PAYMENT ONLY.

PAID
1-10-05

RECEIVER OF TAXES

TOWN OF NEW WINDSOR

PROPERTY DESCRIPTION & LOCATION:

SWIS: 334800 S-B-L: 68-2-13.22
Property Location: Route 94
Municipality: New Windsor
School: Newburgh Csd

Res vac land
Parcel Size: 3.20 Acres

Roll Sect. 1

Account No: 68-2-13.22

Estimated State Aid: CNTY 71,099,199
TOWN 257,000

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimated the Full Market Value of this Property as of January 1, 2004 was: 41,739.
The Total Assessed Value of this property as of July 1, 2004 was: 9,600
The Uniform Percentage of Value used to establish assessments in your municipality was: 23.00%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed.

EXEMPTIONS

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
-----------	-------	-------------	-----------	-------	-------------	-----------	-------	-------------

PROPERTY TAXES

IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxbl Assessed Value or Units	Rate per \$1000 or per Unit	Tax Amount
County	95,134,100	11.5	9,600.00	19.498000	187.18
Town	4,252,377	3.2	9,600.00	12.179800	116.93
Highway	2,502,325	3.4	9,600.00	7.152600	68.66
Nw ambulance	100,000	-54.7	9,600.00 TO	.243000	2.33
Vails gate fire	563,300	5.7	9,600.00 TO	2.030400	19.49
New windsor gbg	1,172,348	1.0	9,600.00 TO	7.953500	76.35
Swr dist 14 bond			22.00 UN	6.960800	153.14
Nw wtr 5	248,000	-3.1	9,600.00 TO	2.047500	19.66

PAYMENT SCHEDULE

BASE TAX: 643.74

Pay By	Penlty %	Amount	Penalty	Total Due
JAN 2005	0.0%	643.74	0.00	643.74
FEB 2005	1.00%	643.74	6.44	650.18
MAR 2005	2.00%	643.74	14.87	658.61

100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS

Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: DUFFY JAMES H ON 01/06/2005

Bill No: 2124

* * TAX PAYMENT RECEIPT * *

CTL # 5-56

334800 68-2-13.22

	TAX	PNLTY	OVR-PMT	TOTAL
Duffy James H				
Phyllis Duffy	CHGD:	643.74		643.74
Box 214				
Vails Gate, NY 12584	- PD:	643.74		643.74

PTBO

AMT-DUE: 0.00

0.00

PAYMENT SCHEDULE

BASE TAX: 643.74

Pay By	Penalty	Amount	Total Due
JAN 2005	0.00	643.74	643.74
FEB 2005	6.44	643.74	650.18
MAR 2005	14.87*	643.74	658.61

100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS

Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: DUFFY JAMES H ON 01/06/2005

NET PAID: 643.74

ORANGE COUNTY - Newburgh Csd
2005-2006 SCHOOL REAL PROPERTY TAX BILL
For Fiscal Year 07/01/2005 to 06/30/2006 Warrant Date 08/30/2005

BILL NO: 16465
SEQUENCE No: 13743
PAGE No: 1 of 1

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DIST
SCHOOL TAX OFFICE
124 GRAND STREET
NEWBURGH, NY 12550
334800 68-2-13.22

TO PAY IN PERSON

BOARD OF EDUCATION
NEWBURGH FREE LIBRARY BLDG
124 GRAND ST
MON-FRI, 8:30AM TO 4 PM

PROPERTY ADDRESS & LEGAL DESCRIPTION

SWIS: 334800 SBL: 68-2-13.22
Address: Route 94
TOWN OF: New Windsor
School: 331100-Newburgh Csd
NYS Tax & Finance School District Code: 433
Res vac land Roll Sect. 1
Parcel Dimensions: 3.20 ACRES
Account No: 68-2-13.2 Bank Code:
Estimated State Aid: SCHL: 84,527,607

Duffy James H
Phyllis Duffy
Box 214
Vails Gate, NY 12584

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimates the full Market Value of this property as of July 1, 2004 was \$ 48,314.00
The Assessed Value of this property as of July 1, 2005 was \$ 9,600.00
The Uniform Percentage of Value used to establish assessments was 19.87%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your Assessor for the booklet "How to File a complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed. SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
-----------	-------	-------------	-----------	-------	-------------	-----------	-------	-------------

IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
NEWBURGH CSD	79,447,394	8.5	9,600.00	107.341223	1,030.48
LIBRARY TAX	3,084,722	5.0	9,600.00	4.167762	40.01

IF PAID BY
10/07/2005 356.83
12/07/2005 356.83
03/07/2006 356.83

TOTAL TAXES DUE \$ 1,070.49

Your tax savings this year resulting from the New York State school tax relief (STAR) program is: .00
(Total Taxes Due already reduced by STAR savings)

TAXES PAID BY CA CH

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DISTRICT
SCHOOL TAX OFFICE
124 GRAND STREET
NEWBURGH, NY 12550
(845)563-3490

Tear off and return this portion with your third installment
Please include phone number on check BILL NO: 16465

THIRD INSTALLMENT DUE DATE: 03/07/2006

TOTAL TAX: \$ 1,070.49 THIRD INSTALLMENT: 356.83

**CHECK BOX IF YOU REQUIRE A RECEIPT []

Third Installment Received [] CHECK [] CASH

Duffy James H
Phyllis Duffy
Box 214
Vails Gate, NY 12584

Tax map No 334800 68-2-13.22
Fiscal Year 07/01/2005 - 06/30/2006

2006-2007 SCHOOL REAL PROPERTY TAX BILL

For Fiscal Year 07/01/2006 to 06/30/2007 Warrant Date 06/31/2006

SEQUENCE No: 13155

PAGE No: 1 of 1

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DIST

SCHOOL TAX OFFICE

124 GRAND STREET

NEWBURGH, NY 12550

334800 68-2-13.22

TO PAY IN PERSON

BOARD OF EDUCATION

NEWBURGH FREE LIBRARY BLDG

124 GRAND ST

MON-FRI, 8:30AM TO 4 PM

PROPERTY ADDRESS & LEGAL DESCRIPTION**SWIS: 334800 SBL: 68-2-13.22**

Address: Route 94

TOWN OF: New Windsor

School: 331100-Newburgh Csd

NYS Tax & Finance School District Code: 433

Res vac land Roll Sect. 1

Parcel Dimensions: 3.20 ACRES

Account No: 68-2-13.2 Bank Code:

Estimated State Aid: SCHL: 93,240,206

Duffy James H

Phyllis Duffy

Box 214

Vails Gate, NY 12584

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimates the full Market Value of this property as of July 1, 2005 was \$ 56,075.00

The Assessed Value of this property as of July 1, 2006 was \$ 9,600.00

The Uniform Percentage of Value used to establish assessments was 17.12%

If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your Assessor for the booklet "How to File a complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed. SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>	<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>	<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>
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PROPERTY TAXES**IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK**

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change From Prior Year</u>	<u>Taxable Assessed Value or Units</u>	<u>Rates per \$1000 or per Unit</u>	<u>Tax Amount</u>
NEWBURGH CSD	86,427,896	8.7	9,600.00	113.738151	1,091.89
LIBRARY TAX	3,323,788	7.7	9,600.00	4.374068	41.99

IF PAID BY**Total Due**

10/05/2006	377.96
12/05/2006	377.96
03/05/2007	377.96

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DISTRICT
SCHOOL TAX OFFICE
124 GRAND STREET
NEWBURGH, NY 12550
(845)563-3490

Duffy James H
Phyllis Duffy
Box 214
Vails Gate, NY 12584

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DISTRICT
SCHOOL TAX OFFICE
124 GRAND STREET
NEWBURGH, NY 12550
(845) 563-3490

Duffy James H
Phyllis Duffy
Box 214
Vails Gate, NY 12584

MAKE CHECKS PAYABLE TO

NEWBURGH ENLARGED CITY SCHOOL DISTRICT
SCHOOL TAX OFFICE
124 GRAND STREET
NEWBURGH, NY 12550
(845) 563-3490

Duffy James H
Phyllis Duffy
Box 214
Vails Gate, NY 12584

TOTAL TAXES DUE**\$ 1,133.88**

Your tax savings this year resulting from the New York
State school tax relief (STAR) program is: .00
(Total Taxes Due already reduced by STAR savings)

TAXES PAID BY**CA CH****Tear off and return this portion with your third installment****Please include phone number on check BILL NO: 16569****THIRD INSTALLMENT DUE DATE: 03/05/2007****TOTAL TAX: \$ 1,133.88 THIRD INSTALLMENT: 377.96******CHECK BOX IF YOU REQUIRE A RECEIPT []****Third Installment Received [] CHECK [] CASH****Tax map No 334800 68-2-13.22****Fiscal Year 07/01/2006 - 06/30/2007****Tear off and return this portion with your second installment****Please include phone number on check BILL NO: 16569****SECOND INSTALLMENT DUE DATE: 12/05/2006****TOTAL TAX: \$ 1,133.88 SECOND INSTALLMENT: 377.96******CHECK BOX IF YOU REQUIRE A RECEIPT []****Second Installment Received [] CHECK [] CASH****Tax map No 334800 68-2-13.22****Fiscal Year 07/01/2006 - 06/30/2007****Tear off and return this portion with your first installment****Please include phone number on check BILL NO: 16569****FIRST INSTALLMENT DUE DATE: 10/05/2006****TOTAL TAX: \$ 1,133.88 FIRST INSTALLMENT: 377.96******CHECK BOX IF YOU REQUIRE A RECEIPT []****First Installment Received [] CHECK [] CASH****Tax map No 334800 68-2-13.22****Fiscal Year 07/01/2006 - 06/30/2007**

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 142.28 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-50

NAME & ADDRESS:

**James Duffy
P.O. Box 214
Vails Gate, NY 12584**

THANK YOU,

MYRA

L.R.10-24-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-50

TYPE: INTERP. AND/OR VARIANCE

TELEPHONE: 561-5083

APPLICANT:

James Duffy
P.O. Box 214
Vails Gate, NY 12584

RESIDENTIAL:	\$ 50.00	CHECK #9725
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #9724



<u>DISBURSEMENTS:</u>	<u>MINUTES</u> <u>\$7.00 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
-----------------------	--	-------------------------------

PRELIMINARY:	<u>4</u> PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>7</u> PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>

LEGAL AD: Publish Date: 09-15-06 \$ 10.72

TOTAL: \$ 87.72 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 157.72

AMOUNT DUE: \$

REFUND DUE: \$ 142.28

Cc:

L.R. 10-24-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/18/2006	8234

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

WU
P.O. No.

Terms

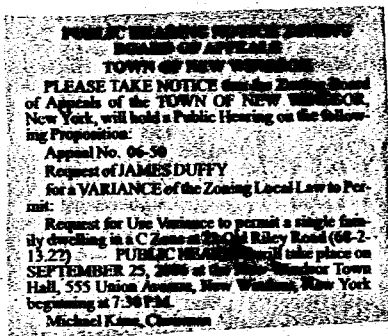
Project

46465

Due on receipt

Issue Date	Description	PCS/Units	Amount
9/15/2006	LEGAL ADS: PUBLIC HEARING NOTICE DUFFY 1 AFFIDAVIT	6.72 4.00	6.72 4.00
Total			\$10.72

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 17
in said newspaper, commencing on
the 15 day of Sept A.D., 2006
and ending on the 15 day of Sept
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 20th day of Sept, 2006

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

My commission expires _____

JAMES_DUFFY_(06-05)

MR. KANE: Request for use variance to permit a single family dwelling in a C zone at 22 Old Riley Road.

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: For the record, my name is Dan Bloom, I'm representing the applicants this evening.

MR. KANE: Can you give me one second? I'm assuming there are people here for this particular meeting, okay, I'm just going to send a sheet out so that we can get your name and address. You're the owners. Is there anybody else here for this particular hearing? Okay, thanks.

MR. BLOOM: Thank you, Mr. Chairman. A little bit of background, I represent Mr. and Mrs. James Duffy, they have resided on Old Riley Road for over 54 years and they purchased a lot next to their residence back in 1987, it's just over 3 acres at the time they purchased it, well, I should say this at the time they signed the contract there was a residence on the lot they purchased just prior to the time of the closing, the owner of the lot because the building was old, the Vails Gate Fire Department burned it down, the foundation is still there. At the time we believe it was still zoned residential, although I don't have a copy of the statute from '87 but we believe it was sometime thereafter, though it certainly was rezoned to commercial. The problem is that the property was cut off by the Thruway as we all know and so now they find themselves situated between the Thruway on the west, the Erie Railroad on the east, the veteran's cemetery on the north and 94 on the south and the entrance to 94, it's a very narrow private little lane. My clients purchased it in '87 basically for two reasons, number one, for privacy but more importantly as an investment

for their retirement years. At the present time, they're both over 76 years of age, they survive on Social Security and two small pensions and so they're trying to sell the property for the purpose of raising some income in their retirement. They have been trying to do that for over eight months now and I will submit to the board, Mr. Chairman, in a little while a report from the broker that has been handling the transaction indicating that they don't even wish to list it and show it because all of the interest in it is strictly residential. No one wants to become involved with a commercial operation in this location, it's on a dead-end street, all residential units are around it. It's a very nice, bucolic little residential area, it would be unimaginable to put a commercial operation in there. The result is that my clients find themselves paying real estate taxes since 1987 without having generated a single cent in income on the property. The current taxes on it are \$1,700 a year. In support of that, I would like to submit, Mr. Chairman, I have extra copies of a report prepared by Eldred P. Carhart, certified appraiser. I will summarize it with the board's permission, substantiating the fact that he finds that the only legitimate use, the only use for this property which could generate any income at all would be residential and that he finds that it would be totally inappropriate for any commercial type of operation to be located even in the vicinity of this particular road. And with your permission, I'd like to offer that in evidence at this hearing. And I have extra copies for the board members. I'd also like to submit with your permission at this point, Mr. Chairman, an affidavit that my clients have signed several copies actually for the board members in which they swear under oath the economic status that they find themselves in, that is retired, over 76 years of age, income only off Social Security and two minor pensions and they're looking forward to selling this property hopefully residentially if this board approves so they can generate some income both to save the

property and to help them in their retirement. I have some photographs here, Mr. Chairman, I'd like to pass out but I would like to add this caveat by saying that having been there myself the photographs don't do really justice to the situation because it's such a bucolic, large forested area that I don't think the photographs do justice to the entire scene. As best I could describe it, this particular vacant 3 acre parcel lies between the last house on the dead-end street and my clients' residence which is just before it, it's contiguous to that property, very beautiful, very bucolic, entirely wooded. And I respectfully submit to the board that my clients did not create the hardship when they purchased the property. As best they know, it was residential at the time, they have always kept it for the purpose of privacy and future income, hopefully in the retirement years. If the board grants the application, I respectfully submit that it will not change the environment, the neighborhood, in fact, I believe it will enhance and increase the values of the surrounding houses as opposed to of course a transfer for any commercial use. And finally, attached to the affidavit that I just submitted, Mr. Chairman, it's a letter from the Town attorney to my clients in August of 2004 when my clients first became aware of this situation and sought relief by approaching the Town to see if they could change the zoning and they were notified by the Town attorney at that time that of course to do that would be engaging in spot zoning which is illegal and they suggested that they come to this board for relief, but relief not only for the requested use variance but the Town attorney thought at that time it might be appropriate to also ask this board that if they grant the variance, the use variance to grant associated area variances including the right to have access to 94 because it's on a private road. So based upon those submissions, I respectfully request that this board act favorably upon my clients' request.

MR. KANE: At this point, I will open up the public

portion of the hearing and ask if anybody wants to speak. Seeing as no one wants to speak, we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On September 15, I mailed out 30 envelopes and had no response.

MR. BABCOCK: I'd just like to add one thing for the board's information. There's a foundation on this property that was a residential house and I think that if I don't know that I knew that until last time they appeared in front of us there's other variances that they could probably seek as far as re-establishing non-conforming use which would probably put them in a position where they'd have to build a house in that exact same space. So this is a much better avenue for them to take so that if somebody wants to build a house other than that location they can do that.

MR. KANE: And it will be done better actually.

MR. BABCOCK: Yes.

MR. TORPEY: How many houses can you put on that lot?

MR. BABCOCK: One house.

MR. TORPEY: That's it?

MR. BABCOCK: That's it.

MR. KANE: It's a very weird shaped piece of property.

MR. BABCOCK: Access is the problem.

MR. KRIEGER: Myra, I was going to ask has the applicant filed a short form EAF?

MS. MASON: Yes, they have.

MR. KRIEGER: So it's a use variance. Before voting on the variance, you'll have to satisfy the requirements of SEQRA for the record, unless I'm advised differently, the zoning board will engage in a uncoordinated review of SEQRA which means this review is for this application only.

MR. KANE: That's correct. Okay, do you guys understand we have to make the SEQRA statement first before we go into the others? Any other questions at this time? Any further questions? I'll accept a motion.

MR. KRIEGER: Go through the SEQRA business.

MR. KANE: Right, SEQRA.

MR. LUNDSTROM: Would our ZBA attorney craft the wording of that for us?

MR. KRIEGER: Yes, I'm about to lay out your options for you. If you may at this point if you feel that you have sufficient information to do this either move to declare a negative declaration which declares in essence that there is no environmental impact as defined in the statute, in which case, if such application were granted that would be the end of the SEQRA process. Alternatively, you may move to declare a conditioned negative declaration conditioned upon the applicant doing whatever the condition proposed is in which case this would have to be kept open to see that condition is satisfied or you may move to declare a positive declaration, meaning that there is some possible environmental impact you need not make a determination that there is in fact an impact only that there is a possible impact in which case this application would have to be kept open to mitigate that impact. The only one of the three that ends the SEQRA process is a motion to declare a negative dec.

MR. LUNDSTROM: Mr. Chairman, did this board, we said that there's no conditions that would preclude us from declaring a negative dec?

MR. KANE: That's the way I feel.

MR. KRIEGER: I can't think of any conditions. I merely outlined the conditioned negative dec because the statute says that that's an option, not that I've heard any information that would lead me to believe this that would not be appropriate.

MR. LUNDSTROM: With that in mind, I will offer a motion that this board declare a negative declaration pertaining to this application.

MS. GANN: I will second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Okay, so the SEQRAs taken out of the way. Now I'll need a motion to accept. If this is approved, do you understand that this does not bypass any of the building inspector's requirements for building a new home on that piece of property? You would have to meet all their particular requirements. This doesn't give you carte blanche.

MR. BLOOM: Absolutely, Mr. Chairman.

MR. KANE: With that in mind, I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of

September 25, 2006

25

James Duffy to grant a use variance to permit a single family dwelling in a C zone at 22 Old Riley Road.

MR. LUNDSTROM: Mr. Chairman, I will second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JAMES_DUFFY_(06-50)

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: Request for use variance to permit a single family dwelling in a C zone at 23 Old Riley Road.

MR. BLOOM: Good evening, ladies and gentlemen, my name is Dan Bloom, I represent the applicants, Mr. and Mrs. Duffy who are requesting a use variance, Mr. Chairman, or an interpretation to give you a little bit of background. The property is about 3.2 acres in size, it's located just off Route 94, it's bounded by Old Riley Road, Route 94, the veteran's cemetery on the north and the railroad tracks on the east and the property is zoned C. Unfortunately, it can't very readily be sold for that purpose because my clients live adjacent to it, there are other residences around it, the property is too small for commercial use, they have offered it for that purpose and in fact we can't, my clients have been unable to get brokers to even take the listing because it's just an impossible site for that purpose. And so we're here today requesting a use variance to bring it back to residential purposes so my clients can either construct a residence on it or offer it for sale for that purpose. My clients are elderly, they'd like to, you know, secure some additional income in their retirement and as I say, they have been trying to do that without success. Brokers will not even take a listing on it under the present zoning. For that reason, we're going to be coming and I will be presenting testimony on, Mr. Chairman, on behalf of my clients through a certified real estate appraiser and their accountant for purposes of demonstrating the economic hardship on the fact they can't even obtain any return at all, it's negative by the time they pay taxes and what have you on the property.

MR. KANE: You had said use variance or interpretation?

August 28, 2006

7

MR. BLOOM: Well, I say interpretation simply to cover all bases and to give the board another option so to speak. The property that's the subject matter of the application was once residential, in fact had a house on it, it still has the foundation of the house on it.

MR. KANE: Where it says frame building?

MR. BLOOM: Correct, I'm told in 1997 the owner of the property at that time invited the New Windsor Fire Department to come in and burn the house down for a practice drill but the foundation is still there for that reason and out of an abundance of caution to give the board another option I asked for an interpretation.

MR. KANE: We'll add that to the public hearing.

MR. KRIEGER: You'll be prepared to proceed in the public hearing as if it was a use variance?

MR. BLOOM: That's correct, Mr. Krieger, I intend to proceed as if it's a use variance, that's correct.

MR. KANE: Now they intend to sell the land as if it's residential, they're not intending to build on it right away or leave that up to whoever purchases the property?

MR. BLOOM: At the present time, they just would like to sell it, obviously, anyone interested in purchasing would more than likely be interested in constructing a house, in fact, their only inquiries have been individuals who would make an offer subject to getting building permit to construct a house.

MR. KANE: Further questions from the board?

MR. BABCOCK: Mr. Chairman, Dan, have you seen the rezoning? Maybe you should mention that.

August 28, 2006

8

MR. BLOOM: I have not seen that.

MR. BABCOCK: I have a letter from Phil Crotty to the applicant that they requested from the Town Board rezoning of this property and the Town Board suggested that they not rezone it and that their alternative is to request a building permit and go in front of the zoning board so they don't, they have tried to get the rezoning done.

MR. KANE: Yeah, that would be pertinent in the public hearing.

MR. BLOOM: That goes back sometime, right, 2004?

MR. BABCOCK: 2004, yeah.

MR. KRIEGER: Mike, let me ask you is there any provision in the Town Law after which if they are successful in getting a variance within which they must apply for a building permit?

MR. BABCOCK: Yes, one year.

MR. KRIEGER: So that's something the applicant should be aware of one year period of time.

MR. BLOOM: Yes.

MR. KANE: Any further questions? I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion that we schedule a public hearing for Mr. James Duffy for a requested use variance at 22 old Riley Road.

MS. GANN: I will second the motion.

ROLL CALL

August 28, 2006

9

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: September 25, 2006

PROJECT: James Duffey

ZBA # 06-50
P.B.#

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y N

NEGATIVE DEC: M) LU S) 6 VOTE: A 5 N) 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A CARRIED: Y ☒ N ☐

Uncoordinated Review

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A ___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) Lo S) Lu VOTE: A 5 N 0.

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y ✓ N .



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JAMES DUFFY

AFFIDAVIT OF SERVICE BY MAIL

#06-50

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 15TH day of **SEPTEMBER**, 2006, I compared the **30** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

25th day of September, 2006


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

August 31, 2006

James Duffy
P.O. Box 214
Vails Gate, NY 12584

Re: 68-2-13.22

ZBA#: 06-50 (30)

Dear Mr. Duffy:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00 minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

65-1-49.11
WILLIAM &
ELDA BRETNALL
114 RILEY RD.
NEW WINDSOR, NY 12553

65-1-49.16
MICHAEL YARUSINSKY &
JULIE MAZZOTTI
96 RILEY RD.
NEW WINDSOR, NY 12553

65-1-49.17
ROBERT & BARBARA IENUSO
104 RILEY RD.
NEW WINDSOR, NY 12553

65-1-49.18
CARLOS PORTALATIN
108 RILEY RD.
NEW WINDSOR, NY 12553

68-1-2
BJS HOLDING, LLC
38 WEST 32ND ST. SUITE 1201
NEW YORK, NY 10001

68-1-5 & 68-1-7.1 & 68-1-10
P & J PROPERTIES
PO BOX 716
VAILS GATE, NY 12584

68-1-6
HERBERT &
JUSTA LIVINGSTONE
PO BOX 497
VAILS GATE, NY 12584

68-1-8 & 68-1-9
FELICE &
CARMEJA NAPOLITANO
62 MERTES LN.
NEW WINDSOR, NY 12553

68-2-2.2 & 68-2-7 & 68-2-15
JAMES MC GRANE
PO BOX 7041
NEWBURGH, NY 12550

68-2-3
REYES & ELIAZAR SOLIS
39 MERTES LN.
NEW WINDSOR, NY 12553

68-2-4
REDRO & ANA LUGO
43 MERTES LN.
NEW WINDSOR, NY 12553

68-2-5 & 68-2-6
ISIDORA CASAS
PO BOX 469
VAILS GATE, NY 12584

68-2-8.1 & 68-2-14
ERIE PROPERTIES CORP.
401 SOUTH WATER ST.
NEWBURGH, NY 12550

68-2-8.2 & 69-1-4.4
NEW YORK CENTRAL LINES
500 WATER ST.
JACKSONVILLE, FL 32202

68-2-9.2
MINUTEMAN MALL, LLC
179 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

68-2-12.11
SY REALTY CORP.
17 PINEHURST CIRCLE
MONROE, NY 10950

68-2-11.12
FALL FITTINGS INC.
380 ROUTE 208
NEW PALTZ, NY 12553

68-2-12.12 & 69-1-4.3
MCB PARTNERSHIP, LLC
521 GREEN RIDGE RD.
SCRANTON, PA 18508

68-2-12.22
NORTH PLANK DEVELOPMENT
5020 ROUTE 9W
NEWBURGH, NY 12550

68-2-13.11
PATRICK MILL &
TAMMY OSTERHOUT
PO BOX 908
VAILS GATE, NY 12584

68-2-16
JANUM MANAGEMENT
132 MONTFORT DR.
BELLE MEAD, NY 08502

68-2-17
VETERANS MEMORIAL GROVE
ASSOC.
PO BOX 194
VAILS GATE, NY 12584

69-1-1
GEORGE & EDNA HOPKINS
PO BOX 31
VAILS GATE, NY 12584

69-1-2
GEORGE & THERESA HOPKINS
PO BOX 31
VAILS GATE, NY 12584

69-1-3
JAMES & PHYLLIS DUFFY
PO BOX 214
VAILS GATE, NY 12584

69-1-4.2
GRACIANO DUARTE
PO BOX 1057
ENGLEWOOD CLIFFS, NJ 07632

69-1-4.5
IRWIN BERGKNOFF
C/O HUGH BERKNOFF
102 NORTH 3RD AVE.
HIGHLAND PK, NJ 08904

69-1-5
JACQUELINE FAIRLEY
PO BOX 641
VAILS GATE, NY 12584

69-1-6
V.G.R. ASSOC., LLC
PO BOX 334
LENNOX HILL STATION
NEW YORK, NY 10021

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

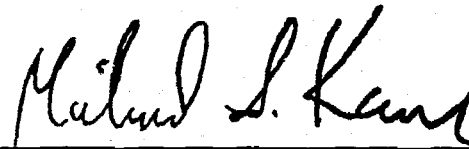
Appeal No. 06-50

Request of JAMES DUFFY

for a VARIANCE of the Zoning Local Law to Permit:

Request for Use Variance to permit a single family dwelling in a C Zone at 22 Old Riley Road (68-2-13.22)

PUBLIC HEARING will take place on **SEPTEMBER 25th**, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 08-25-06

FOR: ESCROW 06-50

FROM:

James Duffy

P.O. Box 214

Vails Gate, NY 12584

CHECK FROM:

SAME

CHECK NUMBER: 9724

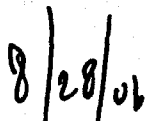
TELEPHONE: 561-5083

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#677-2006

08/28/2006

Duffy, James H. ZBA #06-50

Received \$ 50.00 for Zoning Board Fees, on 08/28/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF:

August 28, 2006

PROJECT:

James Duffy

ZBA #

06-50

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N PUBLIC HEARING: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N NEGATIVE DEC: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N APPROVED: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Lu S) GVOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N .

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N .Add Interpretation to description (Residential Formerly)

TOTAL CHARGES:



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Date **Application Type:** Use Variance ☒ Area Variance ☐
Sign Variance ☐ Interpretation ☒

I. **Owner Information:** Phone Number: (845) 561-5083
James H. Duffy and Phyllis Duffy Fax Number: () N/A
(Name)
P.O. Box 214, Vails Gate, New York 12584
(Address)

II. **Applicant:** Phone Number: (845) 561-5083
James H. and Phyllis Duffy Fax Number: () N/A
(Name)
P.O. Box 214, Vails Gate, New York 12584
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
same as above Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
NONE
(Name)
(Address)

V. **Property Information:**
Zone: C Property Address in Question: Old Riley Road, New Windsor, NY 12553
Lot Size: 3.2 acres Tax Map Number: Section 68 Block 2 Lot 13.22
a. What other zones lie within 500 feet? residential
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? April 15, 1987
d. Has property been subdivided previously? yes If so, When: 1997
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? no

******PLEASE NOTE:******

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section 300-8, Table of Use Bulk _____ Regs., Col. C-Zone _____.

Describe proposal:

Applicants are in their 70's and wish to sell the property to generate income for their retirement. They have attempted to sell it for its existing zoning conditions (C-district"design shopping"-Commercial) and no real estate brokers will accept the listing inasmuch as property is not suited to such use. All of the surrounding properties are residential, the access to the premises does not permit use by commercial traffic and the only legitimate use of the premises would be for the construction of a one-family residence.

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Applicants have actively attempted to sell the property for commercial purposes over the past year without any success. The fact that the property is not located on a main road, abuts railroad tracks and is situated between two residential single family homes on a dead end street renders it totally unsuited for other than residential purposes. The granting requested variance will not alter the essential character of the neighborhood inasmuch as the neighborhood is currently residential in use throughout. Old Riley Road (abuts) is approximately .25 mile in length and was cut off from Riley Road by the construction of the NYS Thruway (I-87). The neighborhood is used entirely for single family homes and is completely surrounded by the thruway to the west, Route 94 to the south, Conrail Road to the east and the Lands of the Orange County Veterans Cemetary to the north. If the applicants are not permitted to market the property for residential construction, they will be effectively denied any return on their investment. They will be forced to continue to pay taxes on the property without any possibility of an economic return. (continued)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

Application for Variance

VII. Continued

The hardship is not self created inasmuch as the neighborhood has been residential for many years. In fact, until approximately the summer of 1997, there was an existing residence on the property, which was destroyed by the New Windsor Fire Department at the request of a former owner of the premises. The foundation of said residence is still located on the property.

Finally, the granting of the requested variance will not negatively impact the value of the surrounding properties inasmuch as all of the surrounding properties are residential in nature. In fact, the construction of anything other than a residence on the subject premises would have a negative impact on the surrounding properties.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section 300-8 Use Bulk Table, C-Zone

- (b) Describe in detail the proposal before the Board:

See applicants' comments under VI (use variance) herein. Subject premises were utilized as a one family residence with associated outbuildings for many years prior to in or about 1997, when the residence was destroyed at the request of the former owner of the premises by the New Windsor Fire Department, used the building as a "practice fire drill". Accordingly, applicants respectfully request that this Board grant them permission to

(continued)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

IX. INTERPRETATION:
(continued)

market the premises as residential based upon an interpretation by this Board that it constitutes a "pre-existing non-conforming use".

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
The surrounding properties as well as the subject property have existed as an integral residential neighborhood for many years. Construction of a new residence upon the subject parcel will only increase the value of the neighboring properties.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
☐ Copies of signs with dimensions and location.
☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
☒ One in the amount of \$ 300.00 or 500.00 (escrow)
☒ One in the amount of \$ 50.00 or 150.00 (application fee)
☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)

☒ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

18th day of July 2006

Phyllis L. Duffy
James H. Duffy
Owner's Signature (Notarized)

James H. and Phyllis Duffy

Owner's Name (Please Print)

Ellen Testa

Signature and Stamp of Notary Public
ELLEN TESTA
NOTARY PUBLIC-STATE OF NY
RESIDING IN ORANGE COUNTY
#01TE5009112

Applicant's Signature (If not Owner)

COMMISSION EXPIRES 03/08/2007

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

James H. and Phyllis Duffy, deposes and says that he resides
(OWNER)

at P.O. Box 214, Vails Gate in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map
(Sec. 68 Block 2 Lot 13.22)
designation number (Sec. Block Lot) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Daniel J. Bloom, Esq., 530 Blooming Grove Turnpike, New Windsor, New York 12553
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: July 18, 2006

Sworn to before me this:
18th day of July 2006

Phyllis L Duffy
James H Duffy
Owner's Signature (MUST BE NOTARIZED)
James H. and Phyllis Duffy

Applicant's Signature (If different than owner)

Ellen Testa
Signature and Stamp of Notary
ELLEN TESTA
NOTARY PUBLIC-STATE OF NY
RESIDING IN ORANGE COUNTY
#01TE5009112
COMMISSION EXPIRES 03/08/2007

Daniel J. Bloom
Representative's Signature
Daniel J. Bloom, Esq.

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR James H. and Phyllis Duffy		2. PROJECT NAME	
3. PROJECT LOCATION: Municipality Old Riley Road, New Windsor		County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Old Riley Road, New Windsor, New York 12553, adjacent to premises presently occupied by applicants, 14 Old Riley Road, New Windsor, New York 12553			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY:			
7. AMOUNT OF LAND AFFECTED: Initially 3.23 acres Ultimately 3.23 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly The land is presently zoned C-design shopping (commercial) the application requests a change in use to residential.			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: All surrounding properties are utilized as one family residences.			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: James H. and Phyllis Duffy		Date: 7/8/06	
Signature: <i>James H. Duffy Phyllis Duffy</i>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality; surface or groundwater quality or quantity; noise levels; existing traffic patterns; solid waste production or disposal; potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

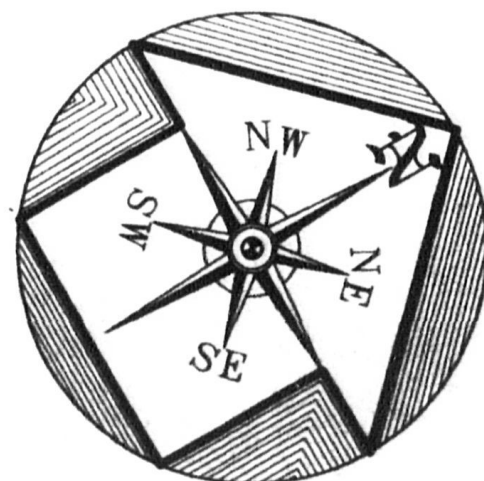
Date

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.



BEING:

LOT 13.22, BLOCK 2, SECTION 68 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

DEED OF RECORD: LIBER 4584, PAGE 89

AREA = 3.2261 ACRES

N/F
HOPKINS
LIBER 1792, PAGE 940
S 17°58'05"E 141.69'
OLD RILEY ROAD

SANITARY MANHOLE

10 FT. WIDE EASEMENT FOR PUBLIC SEWER
LIBER 1876, PAGE 202

FRAME BUILDING

MILL & OSTERHOUT
N/F
LIBER 11992, PAGE 1033

N 16°57'26"W 192.69'

REMAINS OF FRAME BUILDING

TOGETHER WITH & SUBJECT TO:

AN EASEMENT OF RIGHT OF WAY OVER THE GRAVEL DRIVEWAY RUNNING ALONG THE SOUTHEASTERLY BOUNDS OF LANDS TO BE CONVEYED TO THE ESTATE OF MARJORIE E. YEREAUX, SAID RIGHT OF WAY SHALL RUN FROM OLD RILEY ROAD TO THE LANDS OF DUFFY ALONG THE PRESENT LOCATION OF THE TRAVELWAY OF SAID GRAVEL DRIVEWAY.

TOGETHER WITH & SUBJECT TO:

A 10 FT. WIDE EASEMENT RIGHT OF WAY RUNNING IN A NORTH-NORTHEASTERLY DIRECTION FROM THE OLD RILEY ROAD DEAD-END PUBLIC HIGHWAY OF THE TOWN OF NEW WINDSOR OVER LANDS OF DUFFY TO LANDS OF THE VETERANS MEMORIAL GROVE ASSOCIATION OF ORANGE COUNTY.
LIBER 1212, PAGE 417

STEVEN P. DRABICK P.L.S., PC
PROFESSIONAL LAND SURVEYOR
PO BOX 539
CORNWALL, N.Y. 12518
(845) - 534 - 2208

N/F
ERIE PROPERTIES
LIBER 2985, PAGE 314

S 39°58'00"W 429.89'

STONEWALL

429.89'

SHED

APPROXIMATE LOCATION OF WET AREA

EASEMENT FOR PUBLIC SEWER
LIBER 1876, PAGE 202

BOUNDS OF EASEMENT

N 21°56'15"E 296.36'

UTILITY POLE
SANITARY MANHOLE

N/F
VETERANS MEMORIAL GROVE ASSOCIATION OF ORANGE COUNTY
LIBER 1209, PAGE 391

UTILITY POLE
SANITARY MANHOLE

N/F
DUFFY
LIBER 1544, PAGE 476

S 23°22'58"W 274.80'
TO CL OF OLD RILEY ROAD

N 23°23'00"E 622.55'

SANITARY MANHOLE

APPROXIMATE LOCATION OF SEWER LINE

RAILROAD TRACKS

N/F
NEW YORK CENTRAL LINES LLC
LIBER 5154, PAGE 183

FIELD SURVEY UPDATE COMPLETED ON 5/24/06.

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 4/24/07 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

JAMES H. DUFFY & PHYLLIS L. DUFFY,

SURVEY OF PROPERTY

FOR

JAMES H. & PHYLLIS L. DUFFY

TOWN OF NEW WINDSOR
SCALE: 1" = 40'

ORANGE COUNTY, NEW YORK
MAY 5, 2006

STEVEN P. DRABICK, PLS NY LIC. #49806

JOB NO. 488-06